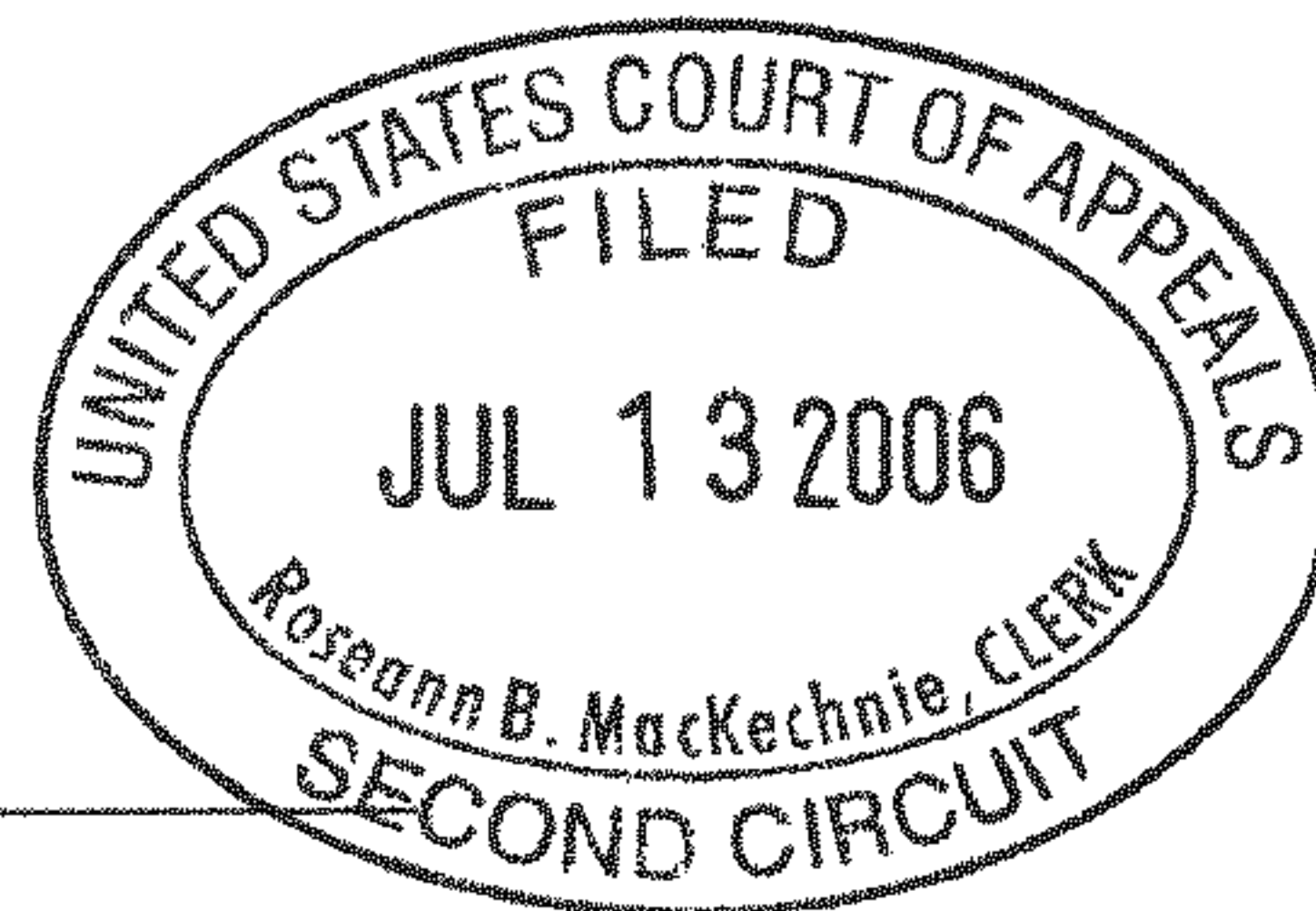


**MANDATE***Corrected***United States Court of Appeals**FOR THE  
SECOND CIRCUIT**JUDGMENT**SDNY IN NY  
03-cv-9558  
HELLERSTEIN

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 13<sup>th</sup> day of July, two thousand and six.

Before: Hon. Joseph M. McLaughlin,  
Hon. Dennis Jacobs,  
Hon. Barrington D. Parker,  
*Circuit Judges.*

Docket No. 05-4387-cv



LOUISE MCPHERSON,

*Plaintiff-Appellant,*

v.

NEW YORK CITY DEPARTMENT OF EDUCATION, THERESA EUROPE,  
individually, SUSAN W. HOLTZMAN, individually and SHERRY BOKSER,  
individually and as Senior Associate Counsel of New York State  
United Teachers,

*Defendants-Appellees.*

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said District Court be and it hereby is AFFIRMED in accordance with the opinion of this Court.

FOR THE COURT:  
ROSEANN B. MACKECHNIE, Clerk  
by

*Tracy W. Young*  
Tracy W. Young  
Motions Staff Attorney

A TRUE COPY  
Roseann B. MacKechnie, CLERK

by *Anthony Martinez*  
DEPUTY CLERK

Issued as Mandate:

9/12/06